REMARKS

Status

Claims 1-12 were originally filed. The present amendment amends claims 1-9 and cancels claims 10-12. New claims 13-16 have been added to more particularly define and claim the invention.

The Rejection

In the Office Action dated March 9, 2010, claims 1-12 were rejected. Specifically, claims 1-4, 6-8, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0 680 863 to Douillet in view of US 7,051,616 to Yokochi et al. and claims 5, 9 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Douillet in view of Yokochi et al. in further view of US 6,426,619 to Pfaffenberger et al.

In addition, claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention as the Examiner states that the term "means" is not preceded by a specific function. The Examiner brings to light several other formal matters including typographical errors and lack of antecedent basis for the terms "the housing" and "spaced apart side arms." The typographical errors and lack of antecedent basis have been corrected as suggested by the Examiner. Further, the means limitations have been deleted rendering the 35 U.S.C. 112, second paragraph rejection moot.

The Rejection of Claims 1-4, 6-8, 10 and 11 under 35 U.S.C. §103(a)

Independent claims 1 and 6 have been amended to particularly define and more clearly claim the invention. The present invention relates to a brake pedal assembly for a vehicle having a support bracket having a generally planar mounting face. A first side wall and a second wall spaced a predetermined distance from the first side wall each extend outwardly from the

mounting face. An integral switch portion of the first side wall includes a pair of generally planar arcuate slots. A pedal arm is pivotally mounted between the first and second side walls. At least one pair of contact posts are disposed on the pedal arm, as in independent claim 1, or a pedal link pivotally mounted between the first side wall and the second side wall, as in independent claim 6, and positioned such that each one of the contact posts extends through a corresponding arcuate slot in the integral switch portion of the first side wall. A conductive strip interconnects each of the pair of contact posts. A switch plate cover is secured to the first side wall and an electronic switch is operatively disposed on an inside surface of the cover plate. In response to the movement of the pedal arm, the pair of contact posts travel within the pair of arcuate slots to electronically actuate the switch and send an electronic signal to a component in communication with the integral switch.

In sharp contrast to the claimed invention, the Douillet reference discloses a braking system having a pair of stationary sensors. The first sensor 7 detects movement of a pedal arm 3, and a second sensor 12 detects movement of lever 9 (to which the Examiner equates to the claimed pedal link) through an aperture 13 formed in the pedal arm 3. Figures 1 and 2 of the Douillet reference clearly show that the ends of elements 12 and 7, to which the Examiner equates to the pair of contact posts, are not disposed on either the pedal arm 3 or the lever 9 (pedal link). Rather, the sensors are positioned on a stationary member and come in and out of contact with the pedal arm 3 and the lever 9. As such, the Douillet reference does not disclose or make obvious the limitation that at least one pair of contact posts are disposed on the pedal arm, as in independent claim 1, or the pedal link, as in independent claim 6.

Further, the Douillet reference fails to disclose a pair of generally arcuate slots formed in a first side wall in which the pair of contact posts travels within in response to movement of the

pedal arm. In the Office Action, the Examiner equates the pair of arcuate slots to the aperture 13 in the Douillet reference. However, the aperture 13 of the Douillet reference is formed in the pedal arm and not in one of a pair of side walls in which the pedal arm is pivotally mounted between. In addition, the Douillet reference only discloses a single aperture and not a pair of generally parallel arcuate slots.

The Yokochi et al. reference or the Pfaffenberger et al. reference fails to cure the defects of the Douillet reference as neither discloses a pair of contact posts disposed on the pedal arm, as in independent claim 1, or the pedal link, as in independent claims 6 and 10, which travel within a pair of arcuate slots formed in one of a pair of side walls in which the pedal arm is pivotally mounted between. Specifically, the Yokochi et al. references merely discloses friction pieces 20 and 21 flanking either side of the pedal arm, each having only a single pin 20c and 21c which extend into slots 24 formed in either side of the pedal arm 12 itself. The Pfaffenberger et al. references neither discloses a pair of contact posts nor a pair of generally parallel arcuate slots in which the pair of contact posts travel within in response to movement of the pedal arm.

As such, Applicant respectfully submits that independent claims 1, and 6, and all claims depending thereon, are no longer obvious in view of the Douillet reference, the Yokochi et al. reference, the Pfaffenberger et al. reference, or any combination thereof.

New Independent Claim 16

Independent claim 16 has been added to more particularly define and claim the invention. The claim is directed to a brake pedal assembly having a support bracket secured to the vehicle. The support bracket includes a pair of generally parallel arcuate slots formed therein. A pedal arm having a pair of contact posts extending outwardly thereform and positioned such that each contact post extends through one of the pair of arcuate slots is pivotally mounted to the support

bracket about a pivot axis. A conductive strip interconnects each of the pair of contact posts. A switch cover plate having an electronic switch disposed on an inner surface is attached to the support bracket. Upon movement of the pedal arm about the pivot axis the pair of contact posts rotate about the pivot axis within the pair of arcuate slots to electronically connect the conductive strip to the switch and send an electronic signal to a component in communication with the switch.

As stated above, none of the cited references discloses a pair of contact posts extending outwardly from the pedal arm and positioned to extend through the pair of arcuate slots. Further, as the ends of elements 12 and 7 in the Douillet reference, to which the Examiner equates to the pair of contact posts, are stationary the reference fails to disclose a pair of contact posts which rotate about the pivot axis of the pedal arm.

As such, Applicant respectfully submits that independent claim 16, is patentably defines over the cited prior art and therefore is in condition for allowance.

Conclusion

In view of the amendments and remarks presented herein, Applicant respectfully submits that claims 1-9 and 13-16 are now in condition for allowance. Any questions, comments, or suggestions the Examiner may have which would place the application in still a better condition for allowance should be directed to the undersigned attorney.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

Dated: June 9, 2010

Respectfully submitted,

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